

WILLIAM S. SCOTT

MAY 20, 1958.—Committed to the Committee of the Whole House and ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H. R. 3452]

The Committee on the Judiciary, to whom was referred the bill (H. R. 3452) for the relief of William S. Scott, having considered the same, report favorably thereon with amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause down to the colon on page 2, line 2, and insert:

That sections 15 to 20, inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (5 U. S. C. 765-769) are hereby waived in favor of William S. Scott for compensation for disability caused by an injury allegedly sustained by him in November 1937 while an employee of the Internal Revenue Service of the Treasury Department at the Custom House, Bowling Green, New York City, New York and his claim is authorized and directed to be considered and acted upon under the remaining provisions of such Act as amended, if he files such claim with the Bureau of Employees' Compensation, not later than six months after the date of enactment of this Act

The purpose of this proposed legislation is to merely waive sections 15 to 20, inclusive of the Act of September 7, 1916 giving Mr. Scott an opportunity to file his claim with the Bureau of Employees' Compensation and be heard on its merit. He states that he filed his claim with the Internal Revenue Service at the time of the accident but application was not transmitted to the Bureau and therefore,

limitation of time ran and he was not given consideration upon the merit of his claim. Therefore, your committee recommends that he be given this right. The committee has information that the bill should be amended to conform with H. R. 7419. 83d Congress, which would be acceptable to the Bureau of Employees' Compensation. The bill has been amended accordingly.

GENERAL COUNSEL,
TREASURY DEPARTMENT,
Washington, April 2, 1954.

HON. CHAUNCEY W. REED,
*Chairman, Committee on the Judiciary,
House of Representatives,, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Reference is made to your letter of March 4, 1954, requesting a statement of this Department's views on H. R. 7419, for the relief of William S. Scott.

The proposed legislation would provide for the waiver of certain statutory requirements in connection with the claim of William S. Scott for compensation for disability caused by an injury allegedly sustained by him in November 1937 while an employee of the Internal Revenue Service of the Treasury Department.

The records of this Department indicate that Mr. Scott's name while employed with the Internal Revenue Service was William G. Schultz. His personnel record fails to disclose any evidence of the alleged injury or of his claim for compensation. Since all the facts in this case are on file with the Bureau of Employees' Compensation, Department of Labor, your committee, if it has not already done so, may wish to ask that agency for a report on the bill.

In view of the above, this Department has no recommendation to make on the merits of the proposed legislation.

Very truly yours,

ELBERT P. TUTTLE, *General Counsel.*

UNITED STATES DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 24, 1954.

HON. CHAUNCEY W. REED,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN REED: This is in further response to your request for my comments on H. R. 7419, a bill for the relief of William S. Scott.

H. R. 7419 proposes to waive the time limitations in sections 15 to 20 of the Federal Employees' Compensation Act (39 Stat. 742, as amended) relating to giving notice of injury and filing claim for compensation in favor of William S. Scott, a former employee of the Division of Internal Revenue of the Treasury Department.

The records of the Bureau of Employees' Compensation indicate that this alleged injury first came to the attention of the Bureau through a personal call by Mr. Scott at the office of the Bureau on July 2, 1947. At that time the claimant filed a written notice of injury in which he stated that he was injured in November 1937 at the Customhouse, Bowling Green, New York City.

The maximum time for filing claim under the Federal Employees' Compensation Act is 5 years. Investigation of the files of the Internal Revenue Bureau failed to disclose any record indicating that an official report of the injury or claim for compensation was filed within the statutory limit prescribed in the act. The claim was accordingly rejected by the Bureau on the ground of not being timely filed. No investigation has been made with respect to the merits of the claim.

The Department, therefore, has no information which would warrant a recommendation on this bill. Unless the Congress should find extenuating circumstances which justify waiving the time limitation in this case, I would object to enactment of a proposal which will single out from a group of persons similarly situated a particular person for preferential treatment.

The Bureau of the Budget advises that it has no objection to the submission of this report.

Yours very truly,

JAMES P. MITCHELL,
Secretary of Labor.

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